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Section III: REMARKS

It is respectfully requested that the changes as noted above in Section I and Section II be made to the present application.

The Section I amendments to the specification are made to correct obvious typographical errors.

In the above-referenced Office Action, which was mailed on 7/20/2004, claims 1-28 were rejected under 35 USC 102(b) as being anticipated by Risberg et al (U.S. Patent 5,339,392, hereinafter referred to as "Risberg"). Those rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims for clarification purposes to place them in better condition for allowance or appeal.

The present invention provides a method and system in which a client is able to initiate an ongoing electronic transaction between a client communication device and a network terminal site. During a first communication between the client device and the server terminal through a first port, a separate second port is established for the subsequent direct transmission of transaction status messages from the server terminal back to the client or user device. After establishing the second port for subsequent direct communications, the client device is disconnected from the server terminal. Upon the occurrence of the

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subsequent event at the server terminal (such as a credit approval for the client or a client bid dropping out of the top ten bids in an auction), the client device and the server terminal are re-connected and the transaction status change is communicated from the server terminal to the client device directly over the second port. The client is enabled to customize a signaling system at the user terminal to designate various signals to correspond to different kinds of the transaction status messages such that the client is signaled directly when a subsequent event such as a transaction status change occurs with respect to the electronic transaction initiated by the client.

The Risberg reference discloses an apparatus and method for the creation of a user-definable video displayed document which shows changes in real time data. In Risberg, the user program accesses a network, and real time data, such as price changes in selected stocks, are then transferred to a user program. As noted above, with the present invention, during a first communication between a server terminal and a client device over a first port, a second port is established for subsequent direct communications from the server terminal. The server terminal and the client device are then disconnected and the connection is subsequently re-established **by the server terminal** directly through the second port upon the occurrence of a subsequent event. In Risberg, as noted above, the server is passive relative to the client and does not initiate a re-connection to the client upon the occurrence of a subsequent transaction-related event over a separate second port as is accomplished with the present invention. Risberg discloses a client initiating a communication with a server and a common document is updated by the server so long as the connection to the client device is established. If

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the connection is broken, the client must again re-establish the connection with the server in order to get updated information. Risberg, therefore, does not even address the problem solved by the present invention and actually teaches away from the present invention. The purpose of the present invention is to alert a user immediately upon a change in an electronic transaction and this is accomplished by enabling a server terminal to re-connect to a client device over a separate port immediately when such a change occurs. This is not possible using the Risberg system and in fact, unless a user connects to the stock market program at the server, there is no way for the user to know of a change in status of a stock price for example. Risberg discloses neither a means for, nor a desirability of, enabling a server to re-connect to a client device over a separate port upon a detection of an occurrence of an event related to an ongoing or continuing electronic transaction.

In view of the above noted distinctions, all of the independent claims currently under consideration, i.e. independent claims 1, 13, 25, 26 and 28 have herein been amended to clearly recite the methodology sequence of transactional events and relationships between the server terminal and the client device. More specifically, all of the independent claims have herein been amended to include language specifying, *inter alia*, the server-initiated re-connection over a separate port to a client device when an event subsequent to an initial communication occurs. These added clarifications are neither taught nor even suggested by Risberg and therefore independent claims 1, 13, 25, 26 and 28, as herein amended, are believed to be in condition for allowance under 35 USC 102(b) over Risberg. Further, since claims 2-12, 14-24 and 27 are ultimately dependent from, and include all of the limitations of one or more of the amended independent claims, it

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is submitted that all of claims 2-12, 14-24 and 27 are also allowable under 35 USC 102(b) over the Risberg reference.

Even more specifically, it is noted that, *inter alia*, there is no disclosure whatsoever of applicant's claimed methodology within an auction system as specified in claims 8 and 20 for example, or of the use of a wireless, cellular or portable device as specified, respectively, in claims 10-12, and also in claims 22-24 for example. It is also noted that the Risberg apparatus would not be able to properly function within the auction system as claimed by applicant in claims 8 and 20 since, as hereinbefore stated, the Risberg **server does not re-establish a connection** to a client device in order to **actively alert the client** device to a change in status of an electronic transaction, including but not limited to, a change in client bidding position in an electronic auction as claimed in claims 8 and 20.

It should be noted that applicant is not claiming that each of the recited elements, taken alone, are novel *per se*, but rather that the entire combination of elements and relationships, as well as the recited sequence of steps as set forth in the amended claims is not anticipated by the cited Risberg reference.

Thus, it is submitted that claims 1-28, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, the Examiner is invited to contact

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the undersigned at the telephone number indicated below. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

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